

1 TRANSCRIBED FROM DIGITAL RECORDING

2 IN THE UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF ILLINOIS  
4 EASTERN DIVISION

4 KLEEN PRODUCTS, LLC, et al., ) Docket No. 10 C 5711  
5 )  
6 Plaintiffs, )  
7 )  
8 v. ) Chicago, Illinois  
9 ) January 17, 2012  
10 PACKAGING CORPORATION OF AMERICA, ) 9:32 o'clock a.m.  
11 et al., )  
12 )  
13 Defendants. )

14 TRANSCRIPT OF PROCEEDINGS - STATUS  
15 BEFORE THE HONORABLE NAN R. NOLAN

16 APPEARANCES:

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25

1 (Proceedings had in open court:)

2 THE CLERK: 10 C 5711, Kleen Products versus Packaging  
3 Corporation.

4 THE COURT: Okay. Let's --

5 MR. : Thank you.

6 THE COURT: Let's do bride side, groom side. This is  
7 too confusing for me.

8 So plaintiffs are the brides. Okay.

9 MR. FREED: As the first bride, your Honor, Michael  
10 Freed, plaintiffs. I apologize to the Court --

11 THE COURT: It's okay. Don't worry. Because if  
12 you -- if everybody starts giving speeches, we'll never get --  
13 it's fine. We're very glad you are here. Glad to have you,  
14 Mr. Freed.

15 MR. FREED: My partner Steven Kanner is with me.

16 THE COURT: Hi, Mr. Kanner. Okay.

17 Is there a plaintiffs' lawyer on the phone? Is there  
18 somebody else on the phone? Okay. And will you identify  
19 yourself.

20 MR. MOGIN: Good morning, your Honor. This is Dan  
21 Mogin on behalf of plaintiff as well.

22 THE COURT: Okay. Hi. Thank you, sir. Okay.

23 Anybody else for the plaintiff? Okay.

24 So since this is my first time up, I'd like to know  
25 which lawyers go with what defendant, or which defendants, I

1 should say.

2 MR. EIMER: Nate Eimer on behalf of International  
3 Paper. And if it would help, I have a roster that Ms. Miller  
4 --

5 THE COURT: Oh, well, thank you.

6 Thanks, Ms. Miller. Ms. Miller has been helping me  
7 for the past several years in another case. So this is very  
8 helpful. Okay.

9 So, all right. So you are Mr. Eimer.

10 MR. EIMER: Yes.

11 THE COURT: Of Eimer Stahl. Are you from Chicago?

12 MR. EIMER: Yes.

13 THE COURT: Okay. And who do you have with you?  
14 Anybody with you?

15 MR. EIMER: Mr. --

16 MR. McKEOWN: I, your Honor, Jim McKeown.

17 THE COURT: Hi, Mr. McKeown. Okay.

18 So we've got -- all right. Then who's next?

19 MR. NEUWIRTH: Steven Neuwirth, your Honor, for  
20 defendant Georgia Pacific.

21 THE COURT: For Georgia Pacific.

22 MR. NEUWIRTH: Mr. Figliulo who's also here  
23 (inaudible).

24 THE COURT: Okay. Hi, Mr. Figliulo. How are you?  
25 Good.

1 And -- and are you with Georgia Pacific also?

2 MR. FIGLIULO: Yes, we're both with Georgia Pacific.

3 THE COURT: Both, okay. Good. All right.

4 And who's next?

5 MR. MENDEL: Scott Mendel for Cascades and Norampac.

6 THE COURT: Okay. And you -- now, I have down here  
7 you're Cascades -- Cascades Canada.

8 MR. MENDEL: Yes.

9 THE COURT: And Nor -- are those two separate  
10 defendants?

11 MR. MENDEL: They are affiliated (inaudible).

12 THE COURT: Okay. Thank you, Mr. Mendel. Are you  
13 from Chicago also? Okay. Good.

14 All right. Packaging Corporation of America?

15 MR. ECHOLS: Good morning, your Honor. Barack Echols  
16 (inaudible) Packaging Corporation.

17 THE COURT: Hi, Mr. Echols. And are you from Chicago?

18 MR. ECHOLS: Yes.

19 THE COURT: Okay. From Kirkland.

20 And then we have Winston. We have Mr. Siders I saw.

21 Hi, Mr. Siders. How are you?

22 MR. SIDERS: Good. How are you?

23 THE COURT: Good. Thank you.

24 MR. McCAREINS: I'm Marc McCareins. I'm with Winston.  
25 I was going to turn it over to Mr. Siders.

1           THE COURT: Good. That's a good move. Yeah,  
2 definitely. That's a really good move. Yes. I also have Mr.  
3 Siders. Mr. Siders knows me. I know Mr. Siders. That's true.

4           But not as well as Ms. Miller, who --

5           MS. MILLER: Good morning, your Honor. Britt Miller  
6 on behalf of Temple-Inland.

7           THE COURT: Okay. And is it Rachel Lewis that's on  
8 the phone? No.

9           MS. LEWIS: Yes, your Honor, Rachel Lewis for  
10 Weyerhaeuser Company.

11          THE COURT: Okay. Hi, Ms. Lewis. And which office --  
12 you're in -- you're with McDermott but not here in Chicago?

13          MS. LEWIS: Yes, I am in Washington, D.C. office.

14          THE COURT: Oh, good. Okay. Nice to have you on the  
15 phone. Okay.

16          So I received this. I agree with Judge Shadur's  
17 complimenting you. You have all -- you all get A pluses for  
18 your cooperation efforts and all of the efforts that you've  
19 spent doing basically the last six months.

20          Has someone been designated to be our spokes person  
21 for today?

22          MR. EIMER: I think Mr. Neuwirth and I will be the  
23 defendant.

24          THE COURT: Okay. And it looked to me that you would  
25 like a hearing. It looks like Judge Shadur thinks we should

1 have a hearing. And the scope of the hearing is only search  
2 methodology. Or is it broader than that?

3 MR. FREED: Well, Michael Freed for the plaintiffs,  
4 your Honor. It's a little broader than that. There are four  
5 issues. But obviously, if you read the transcript, search  
6 methodology was one which was most discussed.

7 But there is a question about indices for defendants'  
8 production. Judge Shadur had a few comments which he made in  
9 the transcript concerning that. There is the temporal scope  
10 issue, the time period, which is also up for discussion, as  
11 well as defendants' accessing servers which may have  
12 information which is relevant in discovery, but may not be  
13 currently in use or may be remote or -- so there is the server  
14 issue as well.

15 Those -- those are the core issues which are before  
16 your Honor now, which were before Judge Shadur.

17 THE COURT: Right.

18 MR. NEUWIRTH: Your Honor, Steven Neuwirth, Georgia  
19 Pacific, at the defendants.

20 As I think is reflected in Judge Shadur's comments,  
21 that conference that we had, the first two issues that were  
22 mentioned, the ESI procedures and the related issue of whether  
23 when producing the ESI the defendants indexed the documents  
24 (inaudible) requested by the plaintiffs, really are the issues  
25 that are at the core of all of this. I think Judge Shadur

1 correctly noted that the other two issues mentioned by Mr.  
2 (inaudible) really flow from the first two issues.

3 And so we would respectfully suggest that the hearing  
4 focuses on the first two, and we can get guidance from the  
5 Court on those issues. The other issues, as Judge Shadur  
6 noted, we think would follow.

7 THE COURT: I am at least familiar with different  
8 types of search methodology and have helped people in the past,  
9 Mr. Siders being one of them. We had quite a search. We  
10 didn't have what type of search. But then we did have to do  
11 quite a bit of work on the words themselves. It was a word  
12 search case.

13 Can you -- can somebody tell me what this indices  
14 issue is? I don't -- I'm really not familiar with it.

15 MR. FREED: Sure, your Honor, actually it was  
16 addressed in the transcript. But when defendants made the  
17 production, which to date probably exceeds over a million  
18 pages --

19 THE COURT: Hard copy pages.

20 MR. FREED: Hard copy, yes.

21 THE COURT: Are these basically e-mails?

22 MR. NEUWIRTH: It would translate perhaps into that.  
23 But it was produced electronically.

24 THE COURT: Okay.

25 MR. FREED: They -- they did the production without



1 any indication of what document relates to what request for  
2 production. So essentially, if you do equate this to a room  
3 full of documents, we would have very little, if any,  
4 information or access as to what they think is responsive to  
5 what we tried to make very carefully crafted requests for  
6 production.

7           During discussions with defendants, they asked us if  
8 maybe it would be useful if we tried to come up with a list of  
9 categories to which their production could be responsive. And  
10 that was not a successful way to charge to address the issue  
11 either.

12           So we are asking that they do some sort of  
13 identification of what of these electronically produced hard  
14 copies is responsive to what it is that we have asked for.

15           THE COURT: So --

16           MR. FREED: We've not had any success.

17           THE COURT: All right.

18           MR. NEUWIRTH: Your Honor, I think that the defendants  
19 have a slightly different perspective on what the issue is.  
20 Without judging it, we would note that we do think that what  
21 the plaintiffs are asking for here is really unprecedented. I  
22 think there is a lot of case law that your Honor is probably  
23 familiar with objecting the types of things that we think the  
24 plaintiffs are asking for here. And -- and this is a case  
25 where there is metadata that is --

1           THE COURT: Now, that's different. See, what -- what  
2 I heard Mr. Freed just say is, he issued requests document --  
3 he issued document requests to produce documents. And your  
4 answer to his request to produce documents were to give him  
5 hundreds of thousands of pages without a specific number to a  
6 particular document request.

7           Is -- now, physically -- I just want to know  
8 physically, not metadata, not content, not was it correct. Was  
9 this a document request?

10          MR. NEUWIRTH: It was -- it was over 90 document  
11 requests --

12          THE COURT: Okay.

13          MR. NEUWIRTH: -- if -- which overlapped. Any of the  
14 documents involved multiple topics, the type of business  
15 planning documents, that (inaudible) requested here. Many of  
16 them are 40, 50 pages long, arguably are responsive to half the  
17 requests at a time.

18          And the problem, your Honor, is that as I think a lot  
19 of the Courts have recognized, it would be unduly burdensome  
20 for defendants producing the ESI to have to figure out and  
21 identify which of all of these more than 90 requests of  
22 documents are responsive to your (inaudible). The alternative  
23 proposal that the plaintiffs gave us was to come up with over  
24 29 categories that they've identified, which in effect asked  
25 the defendants to do a document review for the plaintiff and

1 organize documents by these categories, which also overlap.

2           So the problem that we encountered is that either of  
3 the alternatives that the plaintiffs have come up with would  
4 create unmanageable burden for the defendants. And we had  
5 thought that the search term protocol you -- would enable the  
6 plaintiffs, if they chose to, to apply the search terms and  
7 full documents that are responsive.

8           THE COURT: So the 29 categories, are those by search  
9 terms?

10           MR. NEUWIRTH: No. The 29 categories are subject  
11 matters that the plaintiffs have come up with, essentially are  
12 asking the defendants to do the document review for the  
13 plaintiffs. And -- and we think there is a -- a different  
14 recollection on the part of the defendants about what the  
15 discussions were. That's not really our concern right now.  
16 But the reality is that the 29 categories would be asking us to  
17 do something, A, that's unprecedented, but either we really  
18 don't think we could go without thousands if not more hours of  
19 work.

20           MR. FREED: They -- we refer to Rule 34(b), which  
21 talks about it and which Judge Shadur correctly noted is  
22 mandatory that we are entitled to a index or a reference to the  
23 part of our discovery request for production to which they are  
24 responding. The Judge indicated predisposition to grant us  
25 that motion. But he certainly didn't rule, and I'm not

1 suggesting he did.

2 THE COURT: Well, I mean -- I mean if there -- one of  
3 their objections is burdensomeness. I guess, if we're going to  
4 have experts on the stand for what type of methodology to use,  
5 the -- the expert would also be talking about the burden. So  
6 they seem to go hand in hand.

7 I'm asking, though, a different question. And maybe  
8 I'm not saying it too clearly. Was this million dollars un --  
9 I mean, according to you, kind of an unspecified receipt of  
10 documents? Were they supposed to answer the interrogatories  
11 too or just the dock -- no, wait. Okay.

12 MS. MILLER: (Inaudible) the interrogatories, these  
13 are just document requests, your Honor.

14 THE COURT: Okay. So it -- so it doesn't answer  
15 interrogatories.

16 MR. NEUWIRTH: Your Honor, we --

17 THE COURT: Did you get them on a rolling production?  
18 Or was it done all together?

19 MR. FREED: I would say several rolling productions,  
20 but --

21 THE COURT: And did you call them up when you got the  
22 first one and say, hey, we need an index?

23 MR. FREED: Yes. There has been -- we can establish  
24 for the Court the consistent -- consistency of our request for  
25 the production of an index. Mostly it's been in writing

1 because in this case it seems that with all the defendants  
2 involved, that it's -- it's better not -- not to make a record  
3 formally but just to have a record of what was said so that  
4 each party is --

5 THE COURT: Now --

6 MR. FREED: -- (inaudible) back.

7 THE COURT: -- when you say -- so each of the five  
8 companies --

9 MR. : Six.

10 THE COURT: Six. Each of the six companies that this  
11 million -- supposed loosely, this large -- so that is from all  
12 six companies?

13 MR. NEUWIRTH: Yes.

14 MR. FREED: And -- and I'm not positive it's a  
15 million. I believe --

16 THE COURT: Can you tell which company the documents  
17 come from? So they've got -- so there is some kind of index  
18 already.

19 MS. MILLER: Basically all of our documents, so each  
20 (inaudible) defendant, and everyone has produced them and  
21 Court's rules in the ordinary course of business.

22 MR. EIMER: Each defendant produced separately. Each  
23 defendant numbered its own documents. Each defendant produced  
24 metadata with the document, so that it can be reviewed just as  
25 the (inaudible) protocol required us to do.

1           MR. FREED: I think there was metadata. They had that  
2 metadata. And each production, as the defendants are eager to  
3 describe what they produced, each defendant will say that there  
4 is no index, although we've asked for various forms of indices  
5 which would be less labor intensive and less burdensome. But  
6 each of those requests has been met with a resounding no.

7           MR. NEUWIRTH: Well, your Honor, we would just add  
8 that what we've done is, each defendant has produced  
9 separately. And with limited exception, each production allows  
10 the plaintiffs to see which custodians' files the documents  
11 were produced.

12           THE COURT: And they had -- and they know who all  
13 these custodians are. There is a -- there is a --

14           MR. EIMER: Miller wrote a letter detailing every  
15 defendant which custodians' files were (inaudible).

16           THE COURT: And did you agree at the time frame before  
17 you started all this?

18           MR. FREED: Well, that's also an issue. We have tried  
19 to accommodate --

20           THE COURT: Is everything preserved, whether or not  
21 it's produced?

22           MR. NEUWIRTH: Yes, everything has been preserved.

23           THE COURT: Okay. All right.

24           Okay. Well, that's good. Okay. And you can give  
25 us -- I don't mean a million copies, but you can kind of give

1 us Ms. Miller's -- she's good. Isn't she? She is very  
2 thorough. She is very thorough.

3 Okay. All right. Well, it does appear that at  
4 least -- what I wanted to do is I just would like to do one  
5 hearing. And I'm relying upon you. Judge Shadur -- I listen  
6 to Judge Shadur as much as you all listen to Judge Shadur. I  
7 did as a lawyer. I do as a Judge. He's -- I liked his pen and  
8 ink, his quill and ink. He's -- he's a doll.

9 So do you think we should have a conference before the  
10 hearing and then kind of work it out? Do you think we need to  
11 have it? Or do you -- do you think we could streamline  
12 anything if we had a conference? Or do you want to just set it  
13 down for the hearing?

14 MR. EIMER: I think, your Honor, Mr. Freed and I  
15 talked about the nature of the hearing. I think we can go  
16 right to the hearing. I think we are close to agreeing on what  
17 the hearing would look like, the time period.

18 THE COURT: Okay.

19 MR. EIMER: What the three hearing activities would  
20 be. I think we're -- if we --

21 THE COURT: Okay. What do you suggest then? Or do  
22 you want to -- can you tell me today, or you want to put it in  
23 writing, whatever? I mean, I think the most important thing  
24 with this many people is to pick a date --

25 MR. EIMER: Right (inaudible).

1 THE COURT: -- which -- yeah.

2 MR. FREED: We -- we were looking for a date towards  
3 the end of February. We had talked about an earlier date. But  
4 the logistics of --

5 THE COURT: No, don't. Don't talk about -- I'm on  
6 criminal duty. So don't. Okay.

7 What do you think? Whoever called told Lynette four  
8 hours. It's going to take us four hours to say everybody's  
9 name. So, I mean, I don't think four hours is enough. I think  
10 we should have a day.

11 MR. FREED: We agree with that. That was one of the  
12 slight disagreements which we had. We think a day would be  
13 more prudent.

14 MR. NEUWIRTH: Right. A day would be fine.

15 THE COURT: A whole day, yes.

16 MR. NEUWIRTH: I think given the schedules that we've  
17 compared for late February, if that fits the Court's calendar,  
18 and we have some scheduling issues with experts that we'd like  
19 to bring -- if we need to bring to the hearing.

20 I believe the date we know -- first available date is  
21 February 21 that the plaintiffs can do that we can do.

22 (Brief pause.)

23 THE COURT: Lynette, what would you think about  
24 Wednesday, February 29?

25 MR. FREED: That would be better.



1 MR. NEUWIRTH: Unfortunately, your Honor, the experts  
2 that are coming are -- told us the last date in February that  
3 they are available is the 21st. And I -- I will say for what  
4 it's worth, certainly work (inaudible) the Court's needs, but  
5 there is uncertainty hanging over this for the defendant. If  
6 there is any possibility (inaudible) --

7 THE COURT: What about -- all right. Friday the 17th?

8 MR. NEUWIRTH: We've been told that the dates that the  
9 experts are available are the 6th, the 13th and 21st. We  
10 understand the Court is closed on the 20th. We're also  
11 available.

12 THE COURT: What do -- what do we have the 21st?

13 (Inaudible.)

14 THE COURT: Okay. So let's give it -- let's give  
15 these folks because there are more of them than there are in  
16 the other case. So sheer numbers alone, you (inaudible).

17 All right. So the 21st, everybody can do the -- or  
18 everybody will make themselves do it.

19 MS. MILLER: We will make ourselves available, your  
20 Honor.

21 THE COURT: All right. So let's work backwards right  
22 now then.

23 MR. FREED: Your Honor, if I may, and I apologize.

24 THE COURT: Please, any suggestions you got.

25 MR. FREED: This isn't a suggestion. I just want to

1 sort of as a placeholder say that we have not cleared dates  
2 with our experts. We were thinking that perhaps the reverse,  
3 that your Honor would give us the dates which you would be  
4 available, and we would check with them.

5 So I certainly will do everything in my power to make  
6 sure that our experts are available. But there is the remote  
7 possibility, and I just need to say it, we won't be able to do  
8 a -- can get that date.

9 THE COURT: All right. Then you need --

10 MR. EIMER: (Inaudible) March date just as that safety  
11 valve.

12 THE COURT: But they don't have their experts on  
13 March. What you're going to need to do is talk. I am gone  
14 from tomorrow until next Wednesday. You can either call Chris  
15 or Lynette on March dates. And definitely I have March dates  
16 open. Okay?

17 (Inaudible.)

18 THE COURT: Right.

19 MR. NEUWIRTH: Can we for now hold the 21st?

20 THE COURT: We are. It's yours.

21 (Inaudible.)

22 THE COURT: No, it is. And I think they should go  
23 back and do whatever because if everybody else -- if these --  
24 are your people here in Chicago? Who do you have?

25 MR. FREED: There -- there are some people we have.

1 There is also some people we're talking to.

2 THE COURT: Okay.

3 MR. FREED: And that's the problem.

4 THE COURT: All right. All right. Well, see what you  
5 can do on -- better the -- just I can tell you in general, I  
6 start criminal duty the 12th of March. And then from that on  
7 with Sedona and school break, I mean, we're -- we're talking  
8 only the first 11 days or nine days in March anyway.

9 MR. EIMER: Okay. We'll fit it.

10 THE COURT: Okay? All right.

11 MR. FREED: The only other item we had discussed is,  
12 we thought it might be helpful to do a -- some sort of a pre-  
13 submission for --

14 THE COURT: Yes.

15 MR. FREED: We've already -- and we thought those  
16 might be simultaneous.

17 THE COURT: Good, that's good.

18 MR. FREED: Perhaps an opportunity for a brief  
19 response simultaneously.

20 THE COURT: Okay. That's fine.

21 So let's go back from 2/21. Chris and I -- I have  
22 criminal duty in February. I am pretty busy here, and I've got  
23 another hearing set for next week. So let's -- let's give  
24 ourselves enough time.

25 When could you get your simultaneous briefs in?

1           MR. NEUWIRTH: Whenever it's convenient for the Court.  
2 Depends on how much time your Honor would like.

3           THE COURT: Well, actually, so we are going to be on a  
4 Tuesday, right?

5           MR. NEUWIRTH: Yes. I think we would like a couple of  
6 days after the submission for reply, a reply or something or  
7 something, but (inaudible) --

8           THE COURT: Right. All right. How about if yours is  
9 simultaneously Monday, February 6. And by that Friday, the  
10 10th, is that okay, Chris?

11         (Inaudible.)

12           THE COURT: Or Monday the 13th. Okay.

13           Okay. And if there is any case law you want us to  
14 take a look at, you mentioned something on indices, I really  
15 don't -- I mean, I haven't really heard this -- I haven't  
16 really heard the issue phrased like this before. So if you got  
17 any case law you'd like us to look at.

18           Is there going to be any Daubert challenge to these  
19 experts? Or are you both going to agree for purposes of this  
20 hearing that they can testify? Because, I mean, I don't want  
21 to get here with everybody here if somebody is going to object.  
22 I don't -- I want you to let the other side know and let us  
23 know if there is --

24           MR. NEUWIRTH: We have --

25           THE COURT: -- any challenge.

1 MR. NEUWIRTH: Plaintiffs haven't disclosed their  
2 experts to us. We've disclosed at least two of our experts, or  
3 one of them.

4 THE COURT: How many -- how many experts?

5 MR. NEUWIRTH: We have two, perhaps three.

6 THE COURT: Defendants might have -- and do they all  
7 agree? I mean, that would help.

8 MR. NEUWIRTH: I hope so. I hope so.

9 THE COURT: I mean if --

10 MS. MILLER: Yes.

11 THE COURT: Okay. All right.

12 MR. FREED: We're likely to have two.

13 THE COURT: Do we need any equipment? Are they going  
14 to show us anything? Are they going to show a search, if  
15 they're going to -- if they are, then you need to call Joe  
16 Novak and get the material up here.

17 And I think, Lynette, we need -- I want to get a court  
18 reporter. Okay. Because I think -- and maybe even Judge  
19 Shadur's court reporter, if that person would be around,  
20 because --

21 MS. MILLER: We'll arrange for --

22 THE COURT: Yeah. No, I mean, we should, we should do  
23 it, though. We'll -- we'll get a real live person. Okay?  
24 So --

25 MR. NEUWIRTH: One other thing. I wonder if we can

1 set some reasonable limits to the submissions to the Court so  
2 you're not burdened --

3 THE COURT: Please.

4 MR. NEUWIRTH: How about 15 and five?

5 THE COURT: I think that's great. Okay?

6 And I think we should start at 10:00. Okay? So if we  
7 do have any -- all right. So this is 2/21.

8 And I don't think we need a status before that then  
9 with all of this set up. Okay. So please check with your  
10 people immediately and get on the phone with Chris or Lynette  
11 if it really is impossible. And then they'll give a date.  
12 Okay?

13 MR. NEUWIRTH: Thank you so much.

14 THE COURT: Nice to have you all on board. Thank you.

15 Oh, hold on now. On telephone person, are you going  
16 to be here for the hearing?

17 MR. MOGIN: Yes, your Honor, I will be.

18 THE COURT: Okay. Where is your office again?

19 MR. MOGIN: San Diego.

20 THE COURT: Okay. Thank you.

21 MR. : Wonder why he would come for this.

22 THE COURT: Yeah, right, right. We would like to go  
23 to San Diego and have the hearing, but I don't think we can do  
24 that. So -- okay.

25 MR. MOGIN: Will be happy to accommodate.

1 THE COURT: Okay. Did you say -- and then isn't there  
2 a lady from McDermott, too? Okay. And are you coming, miss?

3 MS. LEWIS: Yes, your Honor, I plan to attend.

4 THE COURT: Okay. And those two dates, you know, we  
5 kind of forgot about you. I'm sorry. Do those dates work for  
6 you, both of you, too?

7 MS. LEWIS: Yes, they do.

8 THE COURT: And, sir?

9 MR. MOGIN: Yes, your Honor. We'll -- we'll work  
10 around.

11 THE COURT: Okay. Yes.

12 MR. EIMER: I have a question. I've just been  
13 reminded that we have a lot of coordinating to do. And on the  
14 reply, can we have until the 13th to file?

15 THE COURT: That's what Chris said, yeah, to that  
16 Monday. Okay. Yeah, to that Monday. Okay? Thank you.

17 MS. MILLER: Thank you, your Honor.

18 THE COURT: Nice to see you all again. Bye-bye.

19 (Which were all the proceedings had at the hearing of the  
20 within cause on the day and date hereof.)  
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CERTIFICATE

I HEREBY CERTIFY that the foregoing is a true, correct  
and complete transcript of the proceedings had at the hearing  
of the aforementioned cause on the day and date hereof.

/s/Alexandra Roth

1/18/2012

\_\_\_\_\_  
Official Court Reporter  
U.S. District Court  
Northern District of Illinois  
Eastern Division

\_\_\_\_\_  
Date